

MEMORANDUM

October 17, 2005

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: TERRY ANNE WOODWARD
Senior Associate County Counsel
Law Enforcement Services Division

RE: Duane Johnson v. County of Los Angeles
United States District Court No. CV-03-8625

DATE OF
INCIDENT: November 20, 2002

AUTHORITY
REQUESTED: \$75,000

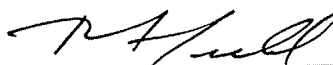
COUNTY
DEPARTMENT: Sheriff's Department

CLAIMS BOARD ACTION:

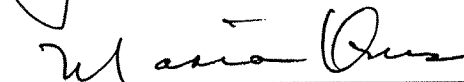
☒ Approve

☐ Disapprove

☐ Recommend to Board of
Supervisors for Approval


_____, Chief Administrative Office
ROCKY A. ARMFIELD


_____, County Counsel
JOHN F. KRATTLI


_____, Auditor-Controller
MARIA M. OMS

on November 7, 2005

SUMMARY

This is a recommendation to settle for \$75,000, the federal civil rights lawsuit brought by Duane Johnson. Mr. Johnson alleges that he was unlawfully detained by Sheriff's Deputies during the execution of a search warrant.

LEGAL PRINCIPLES

A public entity is responsible for the negligent acts of its employees when the acts are done in the course and scope of employment.

It is a violation of a person's federal civil rights to conduct an otherwise lawful detention in an unreasonable manner.

The prevailing party in a federal civil rights lawsuit is entitled to an award of reasonable attorneys' fees.

SUMMARY OF FACTS

On September 2, 2002, two men were killed and a third man severely injured following a gang shooting in an unincorporated area of Los Angeles. During the subsequent investigation, it was discovered that one of the suspects in the shooting may have been living at a home in the Athens area, and a search warrant was obtained for that address.

On November 20, 2002, the search warrant was executed. Mr. Johnson, who was not the suspect, was detained outside of the residence during the search. He alleges that the Sheriff's Deputies did not allow him to get dressed during the detention, and that he was forced to stand outside naked for approximately 20 minutes. The Sheriff's Deputies acknowledged that he was initially naked, but they have stated that they gave him a blanket or a towel to cover up within minutes of the detention.

The Sheriff's Deputies did not find the suspect at the location. It was later discovered that the suspect had not lived at that location for six years, and Mr. Johnson had no connection to the shooting.

DAMAGES

Should this matter proceed to trial, we estimate the potential damages could be as follows:

Emotional distress	\$100,000
Attorneys' fees	<u>\$200,000</u>
Total	<u>\$300,000</u>

The proposed settlement calls for the County to pay Mr. Johnson \$75,000 for all of his claims for damages, costs, and attorneys' fees.

STATUS OF CASE

The trial court proceedings have been suspended pending consideration of the proposed settlement.

This matter was extensively litigated by both sides. After discovery was completed, our attorney filed a summary judgment motion, which was successful in having a large portion of the case dismissed. Not until after the ruling on the summary judgment motion was Mr. Johnson amenable to the proposed settlement. Expenses incurred by the County in defense of this matter are attorney fees of \$101,968 and \$1,872 in costs.

EVALUATION

This is a case of contested liability. The Sheriff's Deputies will testify that Mr. Johnson was given a blanket or towel with which to cover up soon after he was detained. However, Mr. Johnson and an independent witness will testify that he was naked outside in his front yard for approximately 20 minutes. The facts that Mr. Johnson was not the suspect and was in no way connected to the crime may garner sympathy with the jury and result in a verdict for him. If he prevails at trial, Mr. Johnson would then be entitled to an award of attorneys' fees.

We believe that the settlement of this matter in the amount of \$75,000 is in the best interests of the County. The Sheriff's Department concurs in this recommendation.

APPROVED:



ROGER H. GRANBO
Assistant County Counsel
Law Enforcement Services Division

RHG:sr